

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID DEZELAN

Plaintiff,

v.

DEPUY ORTHOPAEDICS, INC.,

Defendant.

No.

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DISTRICT

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant DEPUY ORTHOPAEDICS, INC. (“DePuy”), by and through its attorneys, DRINKER BIDDLE & REATH LLP, hereby file this Notice of Removal of the case entitled, *David Dezelan v. DePuy Orthopaedics, Inc.*, pending as Case No. 2011 L 000693 in the Circuit Court of Cook County, Illinois, County Department, Law Division (“State Court Action”) on the following grounds:

1. On January 19, 2011, Plaintiff David Dezelan (“Plaintiff”) filed this complaint entitled *David Dezelan v. Johnson & Johnson et al.*, pending as Case No. 2011 L 000693 in the Circuit Court of Cook County, Illinois, County Department, Law Division. Plaintiff alleges that he incurred injuries as a result of the implantation of the P.F.C. Sigma Knee System manufactured by DePuy.

2. DePuy was served with the summons and complaint in the State Court Action on January 21, 2011. A copy of the summons and complaint are attached as Exhibit 1 to this Notice of Removal.

3. This Notice of Removal is timely under 28 U.S.C. § 1446(b), in that it is filed within thirty (30) days of service of the complaint upon DePuy.

4. Pursuant to 28 U.S.C. § 1441(a), a civil action brought in a state court, over which the United States District Court has original jurisdiction, may be removed to that District Court embracing the place where such action is pending. Because the State Court Action was pending in the Circuit Court of Cook County, Illinois, County Department, Law Division, this Court has removal jurisdiction.

5. Defendant removes this action pursuant to 28 U.S.C. § 1332, in that there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6. Upon information and belief, Plaintiff is a citizen and resident of Cook County, Illinois.

7. Defendant DePuy is an Indiana corporation with its principal place of business in Indiana.

8. The jurisdictional amount in controversy is satisfied as Defendant believe, in good faith, that Plaintiff asserts personal injury claims which, if proven, would more likely than not exceed \$75,000 in recovery, exclusive of interest and costs.

9. Pursuant to, and in compliance with 28 U.S.C. § 1446(d), and simultaneously with the filing of this Notice of Removal, DePuy has served written notice of such removal upon Plaintiff and will file a copy of this Notice of Removal with the Circuit Court of Cook County, Illinois, County Department, Law Division.

Dated: February 16, 2011

Respectfully submitted,

s/William V. Essig

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William V. Essig – ARDC No. 06237036

Russell J. Chibe – ARDC No. 6389221

Attorney for Defendant

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CERTIFICATION OF SERVICE

I hereby certify that on February 16, 2011, I electronically filed the foregoing with the Clerk of the United States District Court, Northern District of Illinois by using the CM/ECF system and that service will be accomplished by the CM/ECF system and via United States Postal service upon:

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Attorney for Plaintiff

Dated: February 16, 2011

Respectfully submitted,

s/William V. Essig

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